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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,155	03/19/2004	John R. Decky	DEC-001	6406
21884	7590	10/20/2005	EXAMINER	
WELSH & FLAXMAN LLC 2000 DUKE STREET, SUITE 100 ALEXANDRIA, VA 22314			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER

3652

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,155	<b>Applicant(s)</b> DECKY, JOHN R.	
	<b>Examiner</b> Gregory W. Adams	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 8 is objected to because of the following informalities: With respect to line 5, the phrase "...formed between the first..." should read --formed by the first--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 & 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Burns (US 3,391,905) (previously cited).

With respect to claims 1-5 Burns discloses a cart for moving large irregularly shaped articles comprising a C-shaped base 3, first upwardly extending arm 2, second upwardly extending arm 2, lift mechanism 6-8 including a first support bar 7, 8, second support bar, crank arm 6 to control movement of a first support bar 7, 8, a base 3 that includes an opening along a forward end and further including a pair of rear and front wheels wherein front wheels pivot.

With respect to claim 13-15, Burns discloses a crank arm 6 that includes a threaded shaft 6 that engages a threaded cylinder which is secured to a first support bar 7, 8, wherein a threaded shaft 6 is telescopically received within a threaded cylinder, and a crank arm 6 includes a handle 17.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 3,391,905) in view of Birk (US 5,577,745) (previously cited). Burns does not disclose a U-shaped handle that extends rearwardly from first and second arms. Birk discloses a first upwardly extending arm proximal end 14, second upwardly extending arm proximal end 20 each have a handle 17 curved in a U-shape 22 extending rearwardly from a plane formed by first and second arms handle wherein a forward end is aligned with a upwardly extending arm distal end 14 and a handle rearward end 16, 22 is aligned with rear wheels rear edge 38, 40 (See FIG. 22). Birk discloses that first and second hand grips cooperating with wheels hold a cart a distance from a surface when the personal material handling system is placed in a horizontal position to facilitate loading or affixing of attachments. Col. 6, lns. 20-65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cart of Burns to include handles, as per the teachings of Birk, such that a cart could be placed horizontal for loading or affixing of attachments.

5. Claims 8 & 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 3,391,905) in view of Irwin (US 6,135,466) (previously cited).

With respect to claim 8, Burns does not disclose coupling members extending from a plane formed between first and second arms. Irwin extends first and second coupling members 20 from a plane formed between first and second arms 14 to provide a cart which can transport urinals and toilets that can be used by a single person. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Burns to extend first and second coupling members from a first plane, as per the teachings of Irwin, such that a cart can be easily used to transport urinals and toilets.

With respect to claims 10-12, Burns discloses a first support bar 7, 8 includes a first coupling member 9 or 10 and a second coupling member 9 or 10 secured to a first support bar 7, 8 wherein a first support bar 7, 8 has slots to mount first coupling member 9 or 10 and second coupling member 9 or 10 first coupling member 9 or 10 and second coupling member 9 or 10 include locators 10, 10.

6. Claims 16-17 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (US 3,391,905) in view of Howard (US 2,582,435).

With respect to claims 16-17, Burns does not disclose a collapsible base. Howard discloses a cart having a collapsible base comprising first and second forward arms 61, 61, support plate, set screw 66, 66, storage groove 70, and use groove 70, wherein a set screw 66 provides a pivot for forward arm 61. It is noted without further definition by Applicant, Howard's holes provide a locking groove to lock forward arms. Howard teaches collapsing a cart such that it may be carried in a car or stored in small spaces. Therefore, it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify the cart of Burns, such that it may be carried in a car or stored in a small space.

With respect to claim 20, Burns discloses rear wheels 4, 4 rotate about a fixed axis and front wheels 4, 4 that pivot.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8, 10-17 & 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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